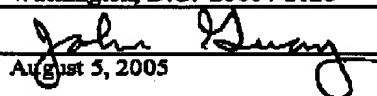
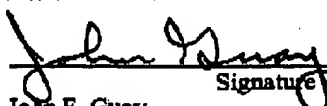


RECEIVED
CENTRAL FAX CENTER
AUG 05 2005

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/811,769
		Filing Date	March 20, 2001
		First Named Inventor	Robert S. Oscar
		Group Art Unit	3626
		Examiner Name	Rachel L. Porter
Total Number of Pages in This Submission	3	Attorney Docket Number	746829-5

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No: 19-2380 for the above identified docket number.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John F. Guay, Reg. No. 47,248 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	August 5, 2005

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.	
August 5, 2005 Date	 Signature John F. Guay Typed or printed name

Docket No. 746829-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Robert S. OSCAR) Group Art Unit: 3626
Application No. 09/811,769) Examiner: Rachel L. Porter
Filed: March 20, 2001) Confirmation No. 9298
For: PHARMACY BENEFITS MANAGEMENT METHOD AND APPARATUS) Date: August 5, 2005

CERTIFICATE OF MAILING OR TRANSMISSION
[37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First Class Mail in an envelope addressed to: Mail Stop 1450, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at 571-273-8300, on August 5, 2005.

Signature: _____

Name: John F. Gray

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

RECEIVED
CENTRAL FAX CENTER
AUG 05 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the election requirement mailed July 5, 2005, Applicant hereby elects, with traverse, the invention characterized by the Examiner as Group II, drawn to downloading benefit information, claims 14-18, 23-31 and 36-39 being readable thereon.

The requirement asserts that the Group I invention, with claims 1-12¹ and 40-48 readable thereon, is related to the Group II invention. Consequently, for the restriction to be considered proper, the Examiner must show for the inventions: (A) separate classification thereof, (B) a separate status in the art when they are classifiable together, or (C) a different field of search. See MPEP §808.02. However, page 2 of the Action indicates that the Group I and II inventions are classifiable together in a same class/subclass, and does not show a

¹ It is to be noted that the Action fails to provide any indication of which invention claim 13 is allegedly drawn to.

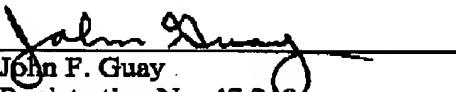
W669227.1

Docket No. 746829-5
Application No. 09/811,769
Page 2

separate status in the art or a different field of search. As such, Applicant respectfully submits the restriction between the Group I and Group II inventions is improper and that a search both the Group I and Group II inventions would not present serious burden on the Examiner. Accordingly, Applicant requests examination of at least claims 1-18, 23-31, 36-39 and 40-48.

Consideration and allowance of the instant application are now respectfully requested.

Respectfully submitted,


John F. Guay
Registration No. 47,248

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000
(202) 585-8080 (Facsimile)

W669227.1